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* UNPUBLISHED

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* Chief Special Master
* Campbell-Smith

* Attorneys' Fees and Costs:
* Reasonable Amount
* Requested to Which
* Respondent Does Not
* Object

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Lynn E. Ricciardella, Washington, D.C., for respondent.

On May 25, 2010, Kay Waddell (“petitioner”) filed a petition on behalf of

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her minor son, Hayden, seeking compensation under the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that Hayden was injured as a result of the vaccines he received during his twelve-month well-child examination on May 29, 2007 – namely, the measles, mumps, and rubella (“MMR”), pneumococcal conjugate (“PCV”) and haemophilus influenza type B (“Hib”) vaccines. Pet. at 1. Petitioner asserted that Hayden experienced a “vaccine[-]induced encephalopathy,” with “features of autism, alternating constipation and diarrhea, weakened immune system, loss of speech, inability to make eye contact, failure to respond to name[,] and loss of muscle tone.” Id. Petitioner claimed that Hayden’s vaccine-related injuries were either “caused-in-fact” or significantly aggravated by the vaccines he received. Id.

On September 19, 2012, the undersigned denied petitioner’s Third Motion for Decision and dismissed the claim for insufficient proof. On September 21, 2012, both parties filed a Joint Notice of Decision Not to Seek Review, renouncing the right to seek such review.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). On September 21, 2012, the parties’ filed a stipulation of facts regarding final attorneys’ fees and costs in the amount of \$34,065.57, to which respondent’s counsel does not object. Based on the reasonableness of petitioner’s request and respondent’s counsel’s lack of objection to petitioner’s counsel’s fee request, the undersigned **GRANTS** petitioner’s motion for approval and payment of attorneys’ fees and costs. Petitioner’s counsel certifies that his client had incurred no out-of-pocket expenses per General Order No. 9.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

The undersigned awards a total of \$34,065.57 in attorneys' fees and costs. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$34,065.57 in attorneys' fees and attorneys' costs.³ The judgment shall reflect that Mark T. Sadaka, Esq. may collect \$34,065.57 from petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.